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**ON THE
CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES (CITES)

BEFORE THE
COMMITTEE ON RESOURCES
SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS
U.S. HOUSE OF REPRESENTATIVES**

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Mr. Chairman and members of the Subcommittee, thank you for inviting me to testify before the Subcommittee on the Convention on International Trade in Endangered Species (CITES). I am Dr. William T. Hogarth, Assistant Administrator for Fisheries for the National Oceanic and Atmospheric Administration (NOAA). I appreciate the opportunity to discuss with you some recent NOAA achievements in the CITES arena. I will also describe NOAA's preparation for the next Conference of the CITES Parties (COP12), including our role in attaining United States objectives concerning proposals, resolutions and agenda items concerning marine species.

The United States Fish and Wildlife Service (FWS) of the Department of the Interior is responsible for the implementation and enforcement of CITES, and the United States Department of Agriculture, Animal and Plant Health Inspection Service is responsible for enforcement of CITES for plants. FWS has an inter-agency collaborative working group in which NOAA Fisheries actively participates and contributes to United States policy on CITES.

However, several highly visible marine species that are listed in either Appendix I or II of CITES are within the domestic jurisdiction of NOAA, in the Department of Commerce. These include the great whales, dolphins, queen conch, hard corals and five species of seals. In addition, all marine turtles, whose protection under the Endangered Species Act (ESA) is shared by the two agencies, are listed in Appendix I of CITES. In NOAA, responsibility for protection of these marine species has been delegated to the National Marine Fisheries Service (NOAA Fisheries).

In recent meetings of the Conference of the Parties to CITES, some of the most contentious issues have involved marine species, and the number of marine species discussed at CITES meetings is ever-increasing. These issues have ranged from efforts to reopen commercial trade in large whales and endangered hawksbill turtles, to looking at ways that CITES might be used to promote the conservation and management of sharks and other marine fishes through regulation of international trade in CITES Appendix II. In addition to our responsibilities under the Endangered Species Act, NOAA is charged with the implementation of the Marine Mammal Protection Act and the Fur Seal Act with respect to the marine mammal species under our jurisdiction. We manage and sustain commercial fish species through the Magnuson-Stevens Fishery Conservation and Management Act. NOAA has contributed its expertise concerning marine species to discussions of these issues in numerous CITES meetings and by advising FWS in its implementation of the Treaty.

CITES Background

The structure of CITES is similar to that of the United States Endangered Species Act, in that species are listed according to their conservation status. In addition, in order to be listed under CITES, species must meet the test that their population is, or may be, affected by trade. Species listed in CITES Appendix I (such as whales and marine turtles), for which there is no international trade for primarily commercial purposes, are "threatened with extinction." Appendix II species (such as queen conch, sturgeon and stony corals) are "not necessarily threatened with extinction," but may become so unless trade is strictly regulated. This regulation takes the form of a requirement for documentation from the country of export or re-export, monitoring of trade and, in a few cases, national export quotas. Another form of regulation is listing in Appendix III (under which great white sharks from Australia are regulated). A country may unilaterally (without a vote) list in Appendix III any species that is subject to regulation within its jurisdiction for which the cooperation of other Parties is needed. Exporting range countries must issue export or country of origin permits for Appendix III species.

NOAA CITES Achievements

NOAA has the considerable expertise necessary to contribute to United States policy on CITES for marine species under its jurisdiction. At the most recent meeting of the Conference of the Parties to CITES, NOAA members of the United States delegation provided valuable support to efforts to:

- prevent the "downlisting" from Appendix I to Appendix II of five populations or species of great whales which would have led to resumption of international trade in these species by CITES;
- prevent the reopening of international trade in hawksbill turtle shells in the Caribbean;
- improve cooperation among Parties to monitor and reduce illegal trade in whale meat; and
- promote the conservation of sharks and other marine fishes by supporting various listing proposals and monitoring other international efforts, such as the U.N. Food and Agriculture Organization's International Plan of Action for sharks.

NOAA has been highly effective in day-to-day activities to enhance international protection for such CITES species as hard corals, queen conch, marine turtles and whales. One important CITES-related project that we have initiated with the Caribbean Fishery Management Council and the Department of State is the development of an International Queen Conch Initiative in the Wider Caribbean. This would promote a regional conservation regime for this species, whose significant international trade is regulated by CITES. In addition, NOAA and FWS provided expertise to developing countries in both the Indo-Pacific and Caribbean to assist them in developing sustainable management plans for exports of hard corals and has developed an identification guide that will be used internationally to help countries ensure that their trade is legal and sustainable.

Preparations for COP12

NOAA's input in the development of United States positions for CITES meetings is accomplished by our CITES COP12 Task Force, which includes representatives from all regional offices, science centers and headquarters offices. The Task Force evaluates recommendations for the listing of marine species and assists

FWS in the development of United States proposals. They also assist in the development of resolutions and discussion papers for consideration at the COP. After the deadline for submission of proposals and resolutions, they use their expertise to evaluate the submissions of other countries and determine United States positions.

A *Federal Register* notice detailing draft United States positions on all agenda items will be published in the next few weeks. A final United States position on all proposals will be determined after the public comment period.

SPECIES PROPOSALS

Prospective positions of the United States concerning marine species include the following:

Seahorses, *Hippocampus* spp. (Proposal of the United States)

The rapidly growing trade in *Hippocampus* species for traditional Chinese medicine and its derivatives, aquarium pets, souvenirs and curios is resulting in overexploitation of wild populations. Because of this escalating exploitation for international trade combined with the rarity of and limited reproductive potential of seahorses, the United States proposed these species for listing in Appendix II. A recent CITES-sponsored workshop endorsed the need for this listing.

Humphead, or Napoleon wrasse, *Cheilinus undulatus* (Proposal of the United States)

The humphead or Napoleon wrasse is a large fish found in coral reef and channel slope habitats throughout much of the Red Sea, the Indo-Pacific, and Micronesia. It is particularly vulnerable to over-exploitation due to its life history, including slow growth, late maturity, long life and complex social structure. Despite its widespread distribution, the species is uncommon throughout its range and is subject to over-fishing. Although humphead wrasse are generally found in small social units, they have historically formed large aggregations during peak reproductive periods. The targeting of wrasse and grouper spawning aggregations (mainly for the live reef food fish trade) has led to the elimination of breeding populations from some locations after two to four years of intensive fishing. This proposal is for listing of the species in Appendix II.

Black Sea bottlenose dolphin, *Tursiops truncatus ponticus* (Proposal of the Republic of Georgia)

The United States tentatively supports this proposal to transfer this species from Appendix II to Appendix I. Threatened by direct hunting, pollution, habitat degradation and bycatch, there are indications that many populations in this region have declined. Despite this, bottlenose dolphins from this area may potentially be taken for export to public display facilities at unsustainable levels. Although there are questions concerning whether this is a distinct sub-population, it is believed that transferring the species from its current place in Appendix II to Appendix I will assist in the conservation of this species by stopping the international portion of this potentially damaging trade.

Northern Hemisphere Minke and Bryde's whales, *Balaenoptera acutorostrata* and *Balaenoptera edeni* (Proposals of Japan)

These proposals seek to transfer these species from Appendix I to Appendix II, thus reopening international trade in whales. The United States position in past meetings of the Conference of the Parties has been that it is premature to even consider the resumption of international trade in whale products until

an adequate Revised Management Scheme (RMS) is adopted by the International Whaling Commission (IWC) which would prevent the resumption of the excessive harvests that occurred in the past. Furthermore, current scientific information which includes information on the distribution, stock structure and population status of both these species, and/or populations of them, is still under investigation in the Scientific Committee of the IWC. We are also concerned with the lack of transparency of the inspection scheme detailed in these proposals, as existing stockpiles of undocumented whale products could be traded illegally.

Whale shark, *Rhincodon typus* (Proposal of India, the Philippines)

This proposal is to add the species in Appendix II. The United States is inclined to support this proposal. NOAA personnel have gathered firsthand information on this extremely rare species, particularly information about the increasing international trade in the Indo-Pacific, with products destined for Taiwan. The species is rare and local, seasonal populations have declined drastically in some areas. Fishing effort has greatly increased due to an increase in price for this species. Sharks are more vulnerable to exploitation than are most other fishes because of their longevity, delayed maturation, and relatively low fecundity. Population size is unknown, but the species is considered to be rare. Take of whale sharks in Atlantic Ocean waters of the United States is prohibited.

Basking shark, *Cetorhinus maximus* (Proposal of the United Kingdom on behalf of the European Union)

The species is currently listed in Appendix III (fins and whole carcasses) by the United Kingdom. The European Union proposes to list it in Appendix II. The United States supported a similar proposal at the last CITES meeting. The main threat to basking shark populations is from fishing operations, both targeted on basking sharks and through incidental or bycatch in other fisheries. The biology of the species makes it especially vulnerable to exploitation: it has a slow growth rate, a long time to sexual maturity (ca. 12-20 years), a long gestation period (1-3 years) and a similar interval between pregnancies, low fecundity (the only recorded litter was of just six very large pups), and probable small populations. Take of basking sharks in Atlantic Ocean waters of the United States is prohibited.

Patagonian and Antarctic toothfish, *Dissostichus eleginoides* and *D. mawsonii* (Proposal of Australia)

Australia proposes that these species, both of which are known commercially as Chilean sea bass, be included in Appendix II. At present, the United States is undecided on our position on this proposal, although we acknowledge the significant contribution of CCAMLR to control trade in these species. Toothfish have been fished commercially for about 20 years, and management of the species is under the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). There are several characteristics of the life history of *D. eleginoides* that make the species vulnerable to over-exploitation. It is known that the accumulated harvesting of this species for international trade (by illegal, unregulated, and unreported fishing operations) has a detrimental impact, thus making the annual harvest continually exceed the level that can be continued sustainably. Australia also proposes that countries which use CCAMLR documentation can do so in lieu of CITES permits. Because of the many complex issues raised by these proposals, the United States has developed an interagency plan to be used to determine our position.

RESOLUTIONS AND DISCUSSION DOCUMENTS

In addition to listing proposals, the following are among the resolutions and discussion papers concerning marine species that will be discussed at COP12:

Criteria for amendment of Appendices I and II

In 1994, CITES revised its criteria for listing species on the CITES Appendices, and also called for an evaluation of whether the revised criteria are workable. NOAA Fisheries has been actively involved in the review process, and for marine species, led an interagency task force to evaluate the criteria and participated as part of the U.S. delegation, in consultations on this issue hosted by other organizations, such as the United Nations Food and Agriculture Organization (FAO) and CITES itself. In fact, many of the recommendations of the interagency task force to refine the listing criteria and guidelines have been incorporated into proposals by FAO and the CITES Criteria Working Group. Although NOAA Fisheries' focus has been on exploited and protected marine species, the interagency task force attempted to develop criteria that could be adapted to all marine species. The United States supports the review of the existing criteria and NOAA Fisheries personnel will be actively involved in this discussion at COP12. We are hopeful that the review of the criteria will result in improvements to the process under which species are evaluated for inclusion in the CITES Appendices."

Cooperation between CITES and the Commission for Conservation of Antarctic Marine Living Resources (CCAMLR) regarding the trade in toothfish (Proposal of Chile)

Chile proposes, among other things, that all countries engaged in the harvest, landing, transshipment, import or export of these species voluntarily comply with CCAMLR's Catch Documentation Scheme. The United States is undecided as to our position because of the many complex issues raised by these proposals. The U.S. has developed an interagency plan to be used to determine our position.

Conservation of and trade in *Dissostichus* species (Proposal of Australia)

This resolution makes recommendations concerning how to ease the implementation of Australia's listing proposal for toothfish species. It proposes that CCAMLR's *Dissostichus* Catch Document (DCD) be accepted in lieu of CITES permits. The United States is undecided as to our position because of the many complex issues raised by these proposals. We have developed an interagency plan to be used to determine our position.

Synergy and cooperation between CITES and The United Nations Food and Agricultural Organization (FAO) (Proposal of Japan)
FAO collaboration with CITES through a Memorandum of Understanding (Proposal of the United States)

These resolutions propose a Memorandum of Understanding between CITES and FAO that would establish a framework for cooperation between CITES and FAO. This MOU would facilitate the implementation of recommendations concerning CITES regulation of international trade in marine fish adopted at the Eighth Session of the FAO Committee on Fisheries' Sub-Committee on Fish Trade, held in February 2002 in Bremen, Germany. The United States recognizes the contributions FAO has made in evaluating the CITES listing criteria for marine fish and supports a formal MOU between CITES and FAO to facilitate exchange of information and technical advice regarding commercially exploited fish species, increase the effectiveness of both organizations, and build fisheries and CITES enforcement capacity in developing countries.

Cooperation and synergy with the Inter-American Convention for the Protection and Conservation of Sea Turtles (Proposal of Ecuador)

This proposal, which the United States is inclined to support, among other things, calls upon the Parties to the Inter-American Convention and the Parties and Secretariat of CITES to coordinate their activities and research with regard to sea turtles and their habitats and to promote synergy to reduce unnecessary duplication of activities. The Inter-American Convention, which entered into force on May 2, 2001, is the first agreement in the world dedicated solely to the conservation of endangered sea turtles. The United States strongly supports this agreement and believes it will become a successful mechanism to protect sea turtles throughout their range in the Western Hemisphere. The National Marine Fisheries Service, together with the Department of State, played an active role in the negotiation of the Convention and the first meeting of the Conference of Parties (held in August 2002). NMFS and the Department of State will continue to closely cooperate in order to successfully implement this important Agreement. The United States also supports cooperation between CITES and other entities, such as the United Nations Environment Programme's Caribbean Environment Programme, which has been active in turtle conservation in the Wider Caribbean for more than 20 years.

Cooperation between CITES and the International Whaling Commission (Proposal of Mexico)

Mexico's resolution urges retaining whale species listed in the CITES Appendices in which they are currently listed (Appendix I) because it is premature to downlist these species while work is continuing to develop a Revised Management Scheme (RMS). The United States has supported similar resolutions at past COPs. We plan to submit an information document at COP12 detailing the status of efforts by the International Whaling Commission (IWC) to adopt an RMS to manage commercial whaling, should it be resumed. This information paper will also include a summary of actions taken at the October 14-17 meeting of the IWC which will be convened in Cambridge, United Kingdom, to make further progress on the RMS.

Controlled trade in specimens of abundant cetacean stocks (Proposal of Japan)

If adopted, this resolution would repeal Resolution Conf. 11.4 (which outlines a cooperative relationship between the IWC and CITES) and would establish that any trade in whale species downlisted to Appendix II should be limited to trade among IWC members.

The position of the United States at previous COPs has been that CITES should continue to honor the request for assistance in enforcing the IWC's moratorium on commercial whaling, which was communicated by the IWC to CITES in 1978. This request was answered by the CITES Parties in Resolution Conf. 2.9, now in consolidated Resolution Conf. 11.4, which recommends that Parties "agree not to issue any import or export permit or certificate" for introduction from the sea under CITES for primarily commercial purposes "for any specimen of a species or stock protected from commercial whaling by the International Convention for the Regulations of Whaling." While the scientific committee of the IWC has developed the Revised Management Procedure for setting quotas if commercial whaling were to resume, the IWC has not completed the development of a Revised Management Scheme (RMS) for monitoring the catch of whales. The United States has taken the position in the IWC that completion of an adequate RMS is a necessary prerequisite before consideration can be given to lifting the commercial whaling moratorium.

Furthermore, the distribution, stock structure, trends and population of many of the great whales still remain under investigation within the Scientific Committee of the IWC. Therefore, the United States has taken the position that we do not view the scientific information as sufficient to support the

resumption of trade in whale species listed in CITES Appendix II and that Resolution Conf. 11.4 must stand.

Conservation and management of sharks (Proposal of Australia)

Conservation of and trade in sharks (Proposal of Ecuador)

These resolutions have much in common. The Australian document suggests that the CITES Animals Committee could, among other things, regularly review the conservation status of various shark populations and recommend listing priorities to the Parties. The Ecuadorean document recommends tighter cooperation between CITES and FAO to ensure that national management plans are developed and implemented. Both documents recommend an ongoing review of shark conservation by CITES bodies beyond COP12.

A series of Decisions and Resolutions since COP9 has prompted international discussion on sharks in both CITES and FAO fora. The net result of this activity has been FAO's adoption in 1999 of an International Plan of Action for Sharks (IPOA-Sharks), and ongoing monitoring by the CITES Parties of FAO success in this endeavor. Although the IPOA lays out specific elements for National Plans of Action (NPOAs) to conserve sharks (data collection, monitoring, stock assessment, etc.), it is purely a voluntary measure that has met with limited success in FAO member nations. Out of 87 shark-fishing nations, only two (the United States and Japan) have adopted NPOAs. Fifteen other member nations have committed to developing NPOAs, but often have made this contingent on external assistance and funding.

The United States has been a leader in both CITES and FAO in the development of shark conservation and management measures, and we will continue to look for ways to promote sustainable use of these species. We agree with the authors that national implementation of the IPOA for sharks has been thus far disappointing. We also agree that the CITES Parties should seriously discuss how to promote better national and regional shark management that could prevent the need for future shark listings under CITES. We believe that sharks are a set of species that will benefit from the increased cooperation between CITES and FAO called for in the United States discussion paper (see above).

Trade in sea cucumbers in the families Holothuridae and Stichopodidae (Proposal of the United States)

This is not a listing proposal, but rather a document to encourage discussion of the status of these species and the effects of international trade on their conservation.

Sea cucumbers are sedentary animals that are especially susceptible to over-exploitation because they are large, easily collected, and do not require sophisticated fishing techniques. They are important components of the food chain in coral reefs and associated ecosystems at various trophic levels, and they play an important role as deposit feeders and suspension feeders. Rapid declines in sea cucumber populations may have serious consequences for the survival of other species that are part of the same complex food web because the eggs, larvae, and juveniles constitute an important food source for other marine species, including crustaceans, fish, and mollusks. Sea cucumbers ingest large amounts of sediment, turning over the top layers of sediment in lagoons, reefs, and other habitats, and allowing oxygenation of sediment layers, much like earthworms do on land. This process prevents the build-up of decaying organic matter and may help control populations of pest and pathogenic organisms, including certain bacteria and cyanobacterial mats. Over-exploitation has caused a hardening of the sea floor, eliminating habitat for other organisms. Sea cucumbers have been harvested commercially for at least 1,000 years, but the demand in Asian markets worldwide has led to a

dramatic increase in international trade for food beginning in the late 1980s and early 1990s, reaching a global annual volume of about 12,000 metric tons of dried sea cucumber (120,000 tons live). Since the mid-1990s, additional markets emerged for natural health products research and home aquaria.

Establishment of a working group to analyze relevant aspects of the application of CITES to marine species (Chile)

The resolution proposes the establishment of a working group within the CITES Animals Committee to discuss various issues concerning marine species. The United States supports the goal of Chile's resolution, although we have not developed clear positions on all of the specifics and implications of such a group. The United States believes that if such a working group were to be established, its subject matter should be limited to marine fish and invertebrate species only. The United States is concerned about the workload and budgetary implications of such a Working Group and sees the broader issue of implementation of many species listings, including many non-marine species, as needing to be addressed. We will also need to study this proposal in light of increasing cooperation between CITES and FAO on marine fisheries issues.

Mr. Chairman, this concludes my testimony. Once again, thank you for the opportunity to be here today. I look forward to answering any questions you or members of the Subcommittee may have.